

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**and**

**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 14685 of 2004**

Between:

Tadepalli Sithapathi, s/o T.Adisheshaiah,  
r/o H.No.1-36-11, 2nd Lane, Maruthi Nagar,  
Guntur.

**..... PETITIONER**

AND

The District Judge, District Court, Guntur.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ particularly one in the nature of writ of mandamus or any other appropriate writ declaring the initiation of departmental proceedings by issuing 15 charge sheets dated 15-6-2004 while Criminal case in FIR 158/03 on the file of the Nagarampalem Police Station, Guntur is pending is illegal, arbitrary and unjust and consequently direct the respondent not to proceed with departmental enquiry till the conclusion of the criminal proceedings

**Counsel for the Petitioner:MR.G.VIDYASAGAR**

**Counsel for the Respondent : MR.C.V.NAGARJUNA REDDY**

**The Court made the following Oral Order : (per Sri Devinder Gupta, CJ)**

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Petitioner's grievance is that memorandum of charges containing 15 charges have been served upon him and there is also a criminal case registered against the petitioner in Crime No. 158 of 2003 on the file of Nagarampalem Police Station, Guntur. Both the proceedings are based upon almost similar or identical allegations and they cannot be proceeded simultaneously. Therefore, he made a representation to the respondent on 9.7.2004 not to proceed with the departmental proceedings pending disposal of the Criminal Case. But, no decision has been taken on the said representation. Accordingly, he has sought direction for stay of departmental proceedings during the pendency of the criminal proceedings.

As a matter of fact, the request, which the petitioner has made in the instant writ petition has to be made before the disciplinary authority, who alone has to take appropriate decision in accordance with law as to whether during the pendency of the criminal case, departmental proceedings are liable to be stayed or not. Such a

decision will have to be taken on the basis of the nature of charges as also the evidence and prejudice likely to be caused to the petitioner. Petitioner states that he has already approached the respondent with representation dated 9.7.2004.

Therefore, this petition stands disposed of with a direction to the respondents to take appropriate decision on the question which has been raised in the writ petition as regards the stay of departmental proceedings pending disposal of criminal proceedings, in accordance with law after hearing the petitioner.

The writ petition is accordingly disposed of. No costs.

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DEVINDER GUPTA, CJ

Date: 23<sup>rd</sup> August, 2004

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C.V.RAMULU,J

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To

1. The District Judge, District Court, Guntur.
2. Two C.D. copies